

From: ["Carey, Curtis" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=4CB6F75253154BFC8AA889F8A36596ED-CAREY, CURT>](mailto:Carey.Curtis@umsl.edu)

To: [Hammerschmidt](#)  
[Ron;Tapia](#)  
[Cecilia;Brooks](#)  
["Karl; Hague"](#)  
[Mark](#)

CC:

Date: 4/29/2014 2:07:14 PM

Subject: FW: AG takes two actions today on Bridgeton Landfill situation

Attachments: [Bridgeton Landfill actions 2014.04.29.docx](#)  
[EPA-Haul Routes 4-29-14.pdf](#)  
[Motion for Trial Setting 4-29-14.pdf](#)

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AG has sent letter to EPA calling on the agency to test offsite. We should prepare a desk statement.

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**From:** Lacapra, Veronique C. [<mailto:lacaprav@umsl.edu>]  
**Sent:** Tuesday, April 29, 2014 2:41 PM  
**To:** Whitley, Christopher  
**Subject:** FW: AG takes two actions today on Bridgeton Landfill situation

Hi Chris,

I'm not the one covering this for us today, but does R7 have any comment or response?

Thanks,

Veronique

**Véronique C. LaCapra, Ph.D.**  
Science, Environment and Health Reporter  
[St. Louis Public Radio | 90.7 KWMU](#)

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**From:** Gonder, Nanci [<mailto:nanci.gonder@ago.mo.gov>]

**Sent:** Tuesday, April 29, 2014 2:19 PM

**Subject:** AG takes two actions today on Bridgeton Landfill situation

April 29, 2014

## **Attorney General Koster announces two actions today on Bridgeton Landfill situation --AG sends letter to EPA, asks Court for trial date in lawsuit--**

**Jefferson City, Mo. –** Attorney General Chris Koster today initiated two actions related to the Westlake Landfill site in Bridgeton, Missouri.

First, Koster sent a letter to EPA Regional Administrator Karl Brooks calling on the EPA to test for radiological contamination in the community surrounding the Westlake Landfill, focusing specifically on routes used during the 1970s to haul radiological material from the Latty Avenue storage facility to Westlake.

Second, Koster filed a motion in St. Louis County Circuit Court asking the court to set its pending lawsuit against Republic Services for trial.

The letter to the EPA and the motion filed in St. Louis County Circuit Court are attached.

**###**

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**NEWS** FROM THE OFFICE OF THE MISSOURI ATTORNEY GENERAL

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April 29, 2014

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on Bridgeton Landfill situation  
--AG sends letter to EPA, asks Court for trial date in lawsuit--**

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**###**



ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY  
65102

CHRIS KOSTER  
ATTORNEY GENERAL

P.O. Box 899  
(573) 751-3321

April 29, 2014

Karl Brooks  
Regional Administrator  
US EPA Region 7  
11201 Renner Blvd.  
Lenexa, KS 66219

Dear Administrator Brooks:

Last fall, my office called upon the Environmental Protection Agency ("EPA") to direct a comprehensive radiological survey of the Westlake landfill complex, after new tests suggested that previous assumptions about the boundaries of the radiologically impacted area were incorrect. Since then, ground sampling has revealed that radiological material appears to be present in portions of the Bridgeton landfill that, just months ago, were thought to be uncontaminated. Having a complete, accurate understanding of the radiological profile of the area is essential to efforts by state and federal regulators and the potentially responsible parties ("PRPs") to safely and effectively address the challenges at the site.

While EPA and the PRPs have made some progress in ascertaining the extent of radiological contamination within the perimeter of the Westlake complex, your work cannot stop at the fence line. As you know, the public has become increasingly concerned that radiological material intended for disposal at Westlake may be present at locations outside the site itself.<sup>1</sup> The history of the Westlake site provides a foundation for these community concerns and warrants further investigation by EPA and the PRPs.

The radiologically impacted material at Westlake was not created there—in the early 1970s, an estimated 43,000 tons of contaminated material was transported from a storage facility on Latty Avenue in St. Louis to the Westlake landfill. It is not uncommon for haul routes used to transport radiological material from one site to another to be evaluated by EPA and the Army Corps of Engineers to determine whether sites along the routes may have been contaminated. Such an evaluation is required here.

To accomplish this, EPA need not abandon its existing plans and orders. The EPA can direct the PRPs to undertake this additional investigative work as part of the Supplemental Feasibility Study under its existing Administrative Order on Consent. The work plan should

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<sup>1</sup> See, e.g., *High Levels of Radiation Found in Soil at Bridgeton Municipal Athletic Complex* (St. Louis Post Dispatch, April 25, 2014).

Karl Brooks  
April 29, 2014  
Page 2

include sampling based on a historical analysis of the haul routes, the type of trucks used for transport, etc., to permit assessors to evaluate the probability that radiological material was lost during transport. If the haul routes are determined to be a source of contamination, EPA should incorporate those routes into the Westlake Landfill Superfund site, which PRPs are responsible for cleaning up.

As always, the health and safety of the community is our top priority. Please respond by May 14, 2014 to confirm that EPA will order the PRPs to investigate the haul routes as a source of possible radiological contamination. If we do not receive a favorable response by that date, the State will consider its legal options in federal court to ensure that this important testing is done.

Respectfully,



**CHRIS KOSTER**  
Attorney General

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY COUNTY, MISSOURI

STATE OF MISSOURI ex rel.  
Attorney General Chris Koster and  
Missouri Department of  
Natural Resources,

Plaintiff,

v.

REPUBLIC SERVICES, INC.,

ALLIED SERVICES, LLC, d/b/a  
Republic Services of Bridgeton, and

BRIDGETON LANDFILL, LLC,

Defendants.

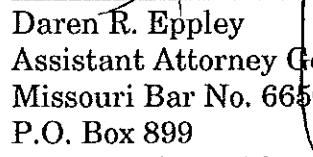
Case No. 13SL-CC01088

**NOTICE**

Please take notice that plaintiffs' Motion for Trial Setting will be heard on  
May 21, 2014, at 9:00 a.m. in the Circuit Court of St. Louis County or as soon  
thereafter as counsel may be heard.

Respectfully submitted,

**CHRIS KOSTER**  
Attorney General



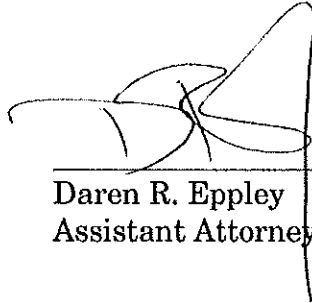
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P.O. Box 899  
Jefferson City, MO 65102  
Phone: (573)751-8790  
Fax: (573) 751-8796  
Email: Joe.Bindbeutel@ago.mo.gov  
ATTORNEYS FOR PLAINTIFF

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was mailed,  
postage prepaid, by U.S. Mail, this 29th day of April, 2014 to:

Matthew Jacober  
Lathrop & Gage  
7701 Forsyth Blvd., Suite 500  
Clayton, MO 63105



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Daren R. Eppley  
Assistant Attorney General



IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

STATE OF MISSOURI ex rel.  
Attorney General Chris Koster and  
Missouri Department of  
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REPUBLIC SERVICES, INC.,  
  
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Defendants.

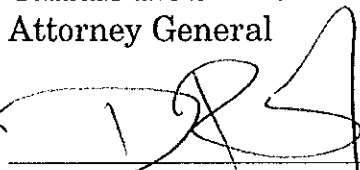
Case No. 13SL-CC01088

**MOTION FOR TRIAL SETTING**

Plaintiff through undersigned counsel requests that this Court set the  
above-styled cause for trial.

Respectfully submitted,

**CHRIS KOSTER**  
Attorney General



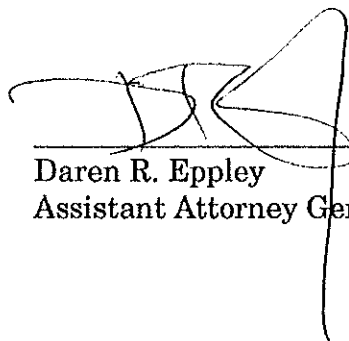
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Matthew Jacober  
Lathrop & Gage  
7701 Forsyth Blvd., Suite 500  
Clayton, MO 63105



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Daren R. Eppley  
Assistant Attorney General